

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**AMANDA BOSARGE, individually and on
behalf of their minor children, et al.,**

Plaintiffs,

-against-

**DANIEL P. EDNEY, in his official capacity
as the State Health Officer, et al.,**

Defendants.

Civil Action No. 1:22-cv-00233-
HSO-BWR

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

The facts necessary to resolve this case are undisputed and Plaintiffs possess clear entitlement to summary judgment. Mississippi prohibits religious exemptions, but permits discretionary secular exemptions to its mandatory immunization scheme. On its face, this policy violates the First Amendment of the United States Constitution. Accordingly, Plaintiffs bring this summary judgment motion:

1. Plaintiffs possess deeply held religious beliefs that prohibit them from vaccinating their children. The State of Mississippi requires Plaintiffs to educate their children, but prohibits their children from attending school if they are not vaccinated. Critically, it is undisputed that Mississippi allows school children to be exempt from the state's compulsory vaccination requirements for secular medical reasons. It is also cannot be disputed that Mississippi's medical exemption scheme involves an individualized discretionary review process whereby state officials can accept or deny exemption requests. However, the government has explicitly excluded families

with religious objections from the state-sanctioned vaccine exemption process. Recent Supreme Court cases make clear that this policy, on its face, violates the Free Exercise Clause.

2. The contemporaneously filed supporting memorandum explains in detail why Plaintiffs are entitled summary judgment as a matter of law. Additionally, Plaintiffs offer the following exhibits:

- A. Plaintiffs' Verified Complaint;
- B. Plaintiff Amanda Bosarge's Statement of Religious Beliefs;
- C. Plaintiff Jaquelyn Butler's Statement of Religious Beliefs;
- D. Plaintiff Kimberly Harrell's Statement of Religious Beliefs;
- E. Plaintiff William Morgan's Statement of Religious Beliefs;
- F. Plaintiff Paul Perkin's Statement of Religious Beliefs;
- G. Plaintiff Braindi Renfroe's Statement of Religious Beliefs;
- H. Plaintiff Jeana Stanley's Statement of Religious Beliefs;
- I. Senatobia Elementary School, administrative e-mail rejecting Plaintiff William Morgan's request to enroll his child in school with a religious exemption;
- J. Mississippi Department of Health, Medical Exemption Request Form;
- K. Mississippi Department of Health, School Immunization Report, 2021-2022;
- L. Alabama Department of Health, 2020 School Entry Survey; and

Additionally, Plaintiffs will rely on information contained in assorted official government websites:

- Mississippi Department of Health, "What Parents Should Know About Childhood Immunizations;"
- Mississippi Department of Health, "Medical Exemption Policy;"

- Mississippi Department of Health, “Back to School Immunization Requirements;”
- U.S. Census Bureau, “QuickFacts Alabama;”
- U.S. Census Bureau, “QuickFacts Mississippi;” and
- Centers for Disease Control, “Morbidity and Mortality Weekly Report.”

For the reasons stated in the accompanying memorandum, Plaintiffs request the entry of summary judgment, as well as final judgment, on all claims.

Dated: September 2, 2022.

Respectfully submitted,

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**pro vac vice* to be submitted